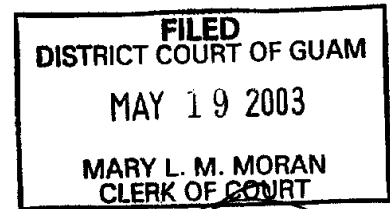


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Attorneys for Plaintiff  
Americopters, LLC



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IN THE DISTRICT COURT OF GUAM

AMERICOPTERS, LLC, ) CIVIL CASE NO. 03-00005  
)  
)  
Plaintiff, )  
)  
) ~~PROPOSED~~   
)  
vs. ) **SCHEDULING ORDER AND**  
) **DISCOVERY PLAN**  
)  
FEDERAL AVIATION )  
ADMINISTRATION, )  
)  
)  
Defendant. )  
)

### SCHEDULING ORDER

Pursuant to Federal Rules of Civil Procedure 16 and 26(f) and Local Rule of Practice 16.1, the parties hereby submit the following Scheduling Order.

1.       The nature of the case. Plaintiff alleges Defendant unlawfully issued a cease and desist order and failed to provide notice of such order, in violation of 14 C.F.R. 13.20(b) and due process of law. Plaintiff seeks rescission of the cease and desist order, assessment of civil penalties pursuant to Parts 13.15 and 13.16, actual and consequential damages, and attorneys fees and costs.

**[PROPOSED] SCHEDULING ORDER AND DISCOVERY PLAN**

Americopters, LLC vs. Federal Aviation Administration

District Court of Guam Civil Case No. CV03-00005

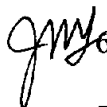
2. The posture of the case.

- (a) There are no motions currently on file.
- (b) No motions have been resolved.
- (c) No discovery has been initiated.

3. All Motions to add Parties and Claims shall be on or before October 3, 2003.

4. All Motions to Amend Pleadings shall be filed not later than October 3, 2003.

5. Status of discovery. The Discovery Plan, *infra*, is adopted by the parties.

 6. ~~The Scheduling Conference shall be on May 15, 2003 at 3:00 p.m.~~

7. The Discovery Cutoff (defined as the last day to file responses to Discovery)

is January 30, 2004.

8. (a) The anticipated discovery motions are: unknown at this time. All discovery motions shall be filed 15 days after the discoverable information is disputed.

(b) The anticipated dispositive motions are: unknown at this time. All potentially dispositive motions shall be filed on or before February 13, 2004, and heard on or before March 5, 2004.

9. The prospects for settlement are unknown.

10. The Preliminary Pretrial Conference shall be held on April 12, 2004 (not later than 21 days before trial).

**[PROPOSED] SCHEDULING ORDER AND DISCOVERY PLAN**

Americopters, LLC vs. Federal Aviation Administration

District Court of Guam Civil Case No. CV03-00005

11. The Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and Designation of Discovery Responses shall be filed on or before April 19, 2004 (not later than 14 days before trial).

12. The Proposed Pretrial Order shall be filed on or before April 26, 2004 (not later than 7 days before trial).

13. The Final Pretrial Conference shall be held on April 26, 2004 (not later than 7 days before trial).

14. The trial shall begin on May 3, 2004.

15. There is no jury.

16. It is anticipated that it will take three (3) to four (4) days to try this case.

17. The names of the counsel are:

For Plaintiff: David Ledger, Esq. & Elyze McDonald, Esq.

For Defendant: Office of the U.S. Attorney

18. The prospects for settlement are unknown.

19. Counsel has no suggestions for shortening the trial.

20. At this time, there are no issues affecting the status or management of this case.

**DISCOVERY PLAN**

1. Depositions of lay witnesses may begin at once and be taken as needed. The parties may call expert witnesses to testify.

**[PROPOSED] SCHEDULING ORDER AND DISCOVERY PLAN**

Americopters, LLC vs. Federal Aviation Administration

District Court of Guam Civil Case No. CV03-00005

2. Unless additional discovery is ordered by the Court, the parties may serve one set of interrogatories not to exceed 25 and one set of requests for admissions not to exceed 25. Local Rule of Practice 33.1. The parties may serve any number of requests for production of documents. Unless a shorter time is agreed to, all written discovery shall be served by a date as to afford the answering party the full response time permitted by the applicable rules prior to the Discovery Cutoff.

3. Disclosures and depositions.

a. The Initial Disclosures previously made pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be supplemented not later than June 9, 2003.

b. Disclosure of expert testimony required under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than December 30, 2003.

c. Subsequent designation of rebuttal expert testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than January 12, 2004.

d. Depositions of experts designated under Federal Rule of Civil Procedure 26(a)(2) and paragraph 3.b. above, shall be completed not later than the discovery cut-off date. Depositions of rebuttal experts, if any are designated under Federal Rule of Civil Procedure 26(a)(2) and paragraph 3.c. above, shall be completed not later than fourteen days after the discovery cutoff.

e. Rule 26(a)(3) disclosures shall be made not later than 30 days before trial.

**[PROPOSED] SCHEDULING ORDER AND DISCOVERY PLAN**

Americopters, LLC vs. Federal Aviation Administration

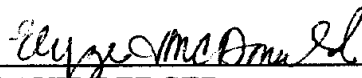
District Court of Guam Civil Case No. CV03-00005

4. Other than the 25 count limit on Interrogatories and Requests for Admissions, Plaintiff does not anticipate requiring any other changes or limitations on discovery as may be imposed under federal or Local Rules.

5. The discovery cut-off (defined as the last day to file responses to written discovery) is January 30, 2004. Depositions may be taken until the cutoff date and as provided above in paragraphs 3 and 4.

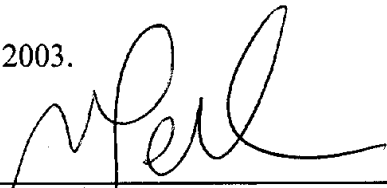
SUBMITTED this 5<sup>th</sup> day of May 2003.

CARLSMITH BALL LLP

  
\_\_\_\_\_  
DAVID LEDGER  
ELYZE McDONALD  
Attorneys for Plaintiff  
Americopters, LLC

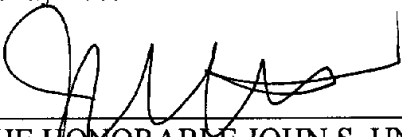
SUBMITTED this 5<sup>th</sup> day of May 2003.

OFFICE OF THE U.S. ATTORNEY

  
\_\_\_\_\_  
MIKEL W. SCHWAB  
Attorneys for Defendant  
Federal Aviation Administration

**ORDER**

SO ORDERED this 15<sup>th</sup> day of May 2003.

  
\_\_\_\_\_  
THE HONORABLE JOHN S. UNPINGCO  
Judge, District Court of Guam

**RECEIVED**

**MAY - 6 2003**

DISTRICT COURT OF GUAM  
HAGATNA, GUAM